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Date: June 11, 2008/Stacey Bussey/

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Applicant(s): Ynjiun P. Wang, *et al.*

Examiner: Romain Jeanty

Serial No: 10/016,001

Art Unit: 3623

Filing Date: December 10, 2001

Title: UNIVERSAL PRODUCT INFORMATION LOOKUP AND DISPLAY SYSTEM

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPEAL BRIEF

Appellant's representative submits this brief in connection with an appeal of the above-identified patent application. An appeal brief was previously filed on March 22, 2005. The Examiner reopened prosecution in response to filed brief. As such, any fees paid in conjunction with the previously filed appeal brief should be applied to the filing of this appeal brief. In the event any additional fees may be due and/or are not covered by the credit card, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1063 [TELNP333US].

I. Real Party in Interest (37 C.F.R. §41.37(c)(1)(i))

The real party in interest in the present appeal is Symbol Technologies, Inc., the assignee of the subject application.

II. Related Appeals and Interferences (37 C.F.R. §41.37(c)(1)(ii))

Appellants, appellants' legal representative, and/or the assignee of the subject application are not aware of any appeals or interferences which may be related to, will directly affect, or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims (37 C.F.R. §41.37(c)(1)(iii))

Claims 1, 2, 4, 16-20, 22, 26, 27 and 31-34 have been rejected by the Examiner. The rejection of claims 1, 2, 4, 16-20, 22, 26, 27 and 31-34 are being appealed.

IV. Status of Amendments (37 C.F.R. §41.37(c)(1)(iv))

No claim amendments have been entered after the Final Office Action.

V. Summary of Claimed Subject Matter (37 C.F.R. §41.37(c)(1)(v))**A. Independent Claim 1**

Independent claim 1 and its corresponding dependent claims relate to a method of capturing and providing demographic information concerning a consumer of products to a manufacturer of such products during transactions in which the consumer utilizes a bar code reader and the Internet for product inquiries. The method includes selectively receiving identification information from a uniform product code (UPC) bar code symbol on a product through a transducer at user terminal (*See, e.g.* Fig. 2; Application at page 8, lines 5-8 & page 3, lines 10-15), providing an association table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer (*See, e.g.* Fig. 4; Application at page 9, lines 8-20), loading the associated web site address to a computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address (*See, e.g.* Fig. 3; Application at page 9, lines 1-7 & page 8, lines 13-22), selectively receiving additional consumer queries to allow for further refining the information inquiry (*See,*

e.g. Application at Page 3, lines 16-18, Page 4, lines 8-11) and transmitting demographic information comprising at least geographic location of the consumer to the product manufacturer by utilizing data packet information that transfers the information inquiry to the manufacturer (*See, e.g.* Fig. 4; Application at page 10, lines 3-15).

B. Independent Claim 16

Independent claim 16 and its corresponding dependent claims relate to a method of exchanging data between potential consumers and manufacturers using the Internet, including selectively receiving product identifying indicia through a transducer at user terminal (*See, e.g.* Fig. 2; Application at page 8, lines 5-8 & page 3, lines 10-15), determining at least one web site address affiliated with product identifying indicia utilizing a Mapping Service Provider (MSP) (*See, e.g.* Fig. 4; Application at page 9, lines 8-20), providing product information to the consumer by requesting and loading a web page associated with the at least one web site address (*See, e.g.* Fig. 2; Application at page 8, lines 13-22), selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the internet (*See, e.g.* Application at Page 3, lines 16-18, Page 4, lines 8-11), and transmitting demographic information comprising geographic origin of the consumer inquiry to the product manufacturer by utilizing information transferred within the web page request (*See, e.g.* Fig. 4; Application at page 10, lines 3-15).

C. Independent Claim 22

Independent claim 22 and its corresponding dependent claims relate to a method of providing potential consumers with product information and providing manufacturers with demographic information about consumers utilizing the Internet, including selectively receiving identification information from a uniform product code (UPC) bar code symbol on a product through a transducer at user terminal (*See, e.g.* Fig. 2; Application at page 8, lines 5-8 & page 3, lines 10-15), determining at least one web site address affiliated with the UPC utilizing a mapping function to match a UPC to a website address from among a list of UPCs and web site address mappings residing in a storage device (*See, e.g.* Fig. 4; Application at page 9, lines 8-20), providing product information to the consumer by requesting and loading a web page associated with the at least one product web site address (*See, e.g.* Fig. 2; Application at page 8, lines 13-22), selectively receiving additional

consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the storage device (*See, e.g.* Application at Page 3, lines 16-18, Page 4, lines 8-11) and transmitting demographic information about the consumer to the product manufacturer *via* employing a Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer when requesting a web page in order to discern at least a geographic origin of a consumer request (*See, e.g.* Fig. 4; Application at page 10, lines 3-15).

D. Independent Claim 34

Independent claim 34 relates to a method of providing potential consumers with product information and providing manufacturers with demographic information about consumers utilizing the Internet, including loading at least one product web site by selectively receiving a product's uniform product code (UPC) through a transducer at a user terminal (*See, e.g.* Fig. 2; Application at page 8, lines 5-8 & page 3, lines 10-15), utilizing a mapping function to match the product's UPC to a product information, the mapping function being provided by a product database associated with the at least one product website (*See, e.g.* Fig. 3; Application at page 9, lines 1-7), providing product information to the consumer by requesting and loading a web page associated with the at least one product web site (*See, e.g.* Fig. 2; Application at page 8, lines 13-22), selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the database (*See, e.g.* Application at Page 3, lines 16-18, Page 4, lines 8-11) and transmitting demographic information comprising at least a geographic location of the consumer to the product manufacturer *via* employing a Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer when requesting a web page (*See, e.g.* Fig. 4; Application at page 10, lines 3-15).

VI. Grounds of Rejection to be Reviewed (37 C.F.R. §41.37(c)(1)(vi))

A. Whether claims 1, 2, 16-20, 22, 26, 27 and 31-34 are unpatentable under 35 U.S.C. §103(a) over Hudetz *et al.* (U.S. 5,978,773) in view of Anderson (U.S. 5,974,396).

B. Whether claim 4 is unpatentable under 35 U.S.C. §103(a) over Hudetz *et al.* in view of Anderson as applied in claim 1 and in further view of Kaplan (U.S. 5,963,916).

VII. Argument (37 C.F.R. §41.37(c)(1)(vii))

A. **Rejection of Claims 1, 2, 16-20, 22, 26, 27 and 31-34 Under 35 U.S.C. §103(a)**

Claims 1, 2, 16-20, 22, 26, 27 and 31-34 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz *et al.* (U.S. 5,978,773) in view of Anderson. (U.S. 5,974,396). It is submitted that this rejection be reversed for at least the following reasons. Neither Hudetz *et al.* nor Anderson alone or in combination, teach or suggest all aspects recited in the subject claims.

[T]he prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 706.02(j). See also KSR Int'l Co. v. Teleflex, Inc., 550 U. S. ____, 04-1350, slip op. at 14 (2007). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art and not based on applicant's disclosure. See In re Vaecck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

The claimed subject matter relates to *providing demographic information about a consumer to a product manufacturer by utilizing data packet information that transfers the information inquiry to the manufacturer*, or by utilizing information transferred *within the web page request*, or by *employing a Domain Name Service to translate Internet Protocol mapping information*, as respectively recited in independent claims 1, 16 and 22. Neither of the cited references teaches nor suggests such features of the claimed invention.

Hudetz *et al.* relates to a system and method for using identification codes found on ordinary articles of commerce to access remote computers on a network. As conceded by the examiner, Hudetz *et al.* does not teach providing the demographic information of a consumer to the manufacturer *by utilizing the information inquiry* or by utilizing *information transferred within the web page request* and Anderson is relied upon to overcome such deficiencies. Anderson relates to a method and system for querying and analyzing consumer *purchasing information* by a retailer based on product and consumer clustering relationships stored in a relational database; and this reference does not make up for the aforementioned deficiencies of

Hudetz *et al.*

On page 4 of Final Office Action and in Advisory Action, it is erroneously contended that Anderson discloses transmitting demographic information about the consumer to the product manufacturer *that transfers the information inquiry to the manufacturer*, with respect to independent claim 1. At the cited section, Anderson provides a frequent shopper system which includes retail point of sale subsystem and user interface, consumer application subsystem, *consumer purchase repository subsystem* (a relational database) and a market analysis subsystem. The consumer application sub system provides a mechanism by which consumers provide demographic and other characteristic information as consumer data *to the consumer purchase repository subsystem*. Data is characterized by market analysis subsystem and stored in clusters (product or consumer). Various buying behaviors and patterns are extracted from the cluster data stored in the consumer *purchase repository*. Consumer and product information retrieved from consumer *purchase repository* is forwarded to direct marketing subsystem (*See*, Col. 6, lines 24-48). A retailer queries the database to determine which customers spend the most money overall or any particular time of year (*See*, Col. 10, lines 47-50). Hence Anderson provides a *consumer purchase repository* subsystem which is used by retailers *to query* desired information required for effectively target specific consumers with relevant advertisement and promotional work. Consumer *purchase repository* subsystem has consumer lists of only those consumers who *purchased* at least a product and not those consumers who didn't *purchase* any product and only made *information enquiry or enquired information about some products*. Further retailers, as provided by Anderson, *needs to access and query the consumer purchase repository subsystem* in order to collect desired information about customers. However Anderson does not contemplate providing demographic information about a consumer to a product manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer* or by utilizing *information transferred within the web page request*. At page 2 of the Final Office Action, Examiner asserts that Anderson teaches a relational database system of consumer lists who request product information and utilize the consumer request information to target advertisements or promotions to the consumer. The consumer request information and demographic information are sent to the manufacturer so that the manufacturer can target the consumers, and incorporating this Anderson's teaching into Hudetz would provide manufacturers with the capability to market their products and provide incentives to the consumers. Applicants' representative respectfully disagrees and submits that Anderson only provides a consumer *purchase*

repository subsystem which gathers consumer list for sold products or only those consumers *who purchased a product and not those consumers who only requested product information or made information enquiry about the product and didn't purchase the product*. Further Applicants' representative respectfully submits that consumer purchase information and demographic information are *not sent* to manufactures, in system provided by Anderson. Instead, Anderson requires *retailers* to access and *query* the relational database (consumer purchase repository subsystem) to extract specific consumer buying patterns, habits, demographics, cultural backgrounds, or other personal characteristics. Nowhere does Anderson teach or suggest providing demographic information about a consumer to a product manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer*, or by *utilizing information transferred within the web page request*. In fact, nowhere does Anderson teach or suggest a system of transmitting demographic information about the consumer to the product manufacturer *via employing a Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer when requesting a web page* as recited in independent claim 22. The claimed subject matter facilitates utilizing information about a destination computer inherently included in a request for information about a product. Using cross-application of the DNS system, such information is translated to destination internet address and/or domain name to obtain demographic information associated with *each query*. The demographic information provides an invaluable resource to the product manufacturer to determine the scope of queries, geographic location of the queries and particular person initiating such queries, which allows for targeted marketing, follow-up information such as additional emails for product announcements or even provide a saleable product of demographic information itself. Hence, the same data packets that *transfer the information request from a user* are utilized to obtain demographic information about the user *i.e. by utilizing data packet information that transfers the information inquiry to the manufacturer* (See, at Application filed Page 10, lines 5-15). This mitigates a need for accessing and *querying* the relational database (consumer purchase repository subsystem) by the retailers, as taught by Anderson, in order to collect demographic information about the user and further *purchasing* a product by a user in order to include the user into the relational database accessible by retailers.

From the foregoing it is clear that Hudetz, *et al.* and Anderson either separately or in combination fail to make obvious the subject claims. Hence, it is requested that this rejection be

reversed.

B. Rejection of Claims 4 Under 35 U.S.C. §103(a)

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hudetz, *et al.* in view of Anderson as applied in claim 1 above, and further in view of Kaplan (U.S. 5,963,916). This rejection should be reversed for at least the following reasons. None of the cited references teach or suggest all limitations recited in the subject claim.

Claim 4 depends from independent claim 1 and, as stated *supra*, neither Hudetz, *et al.* nor Anderson teach or suggest all limitations of claim 1 and Kaplan, *et al.* fails to make up for the aforementioned deficiencies. Independent claim 1 recites a method of conveying a consumer's demographic information to a manufacturer, whereby a scanned bar code of a product can be used to access the manufacturer's website for a product information inquiry and in the process, the demographic information of the consumer can be captured and conveyed to the manufacturer *by utilizing data packet information that transfers the information inquiry to the manufacturer.* Kaplan, *et al.* relates to on-line network web site for interactive preview of a portion of a pre-recorded product by the user but does not teach or suggest providing demographic information about the consumer to the product manufacturer by utilizing data packet information transferred to the manufacturer as a result of the information query, as claimed.

Based on at least the foregoing, none of the cited references teach or suggest all claim limitations. Accordingly, reversal of this rejection is respectfully requested.

CONCLUSION

For at least the above reasons, the claims currently under consideration are believed to be patentable over the cited references. Accordingly, it is respectfully requested that the rejections of claims 1, 2, 4, 16-20, 22, 26, 27 and 31-34 be reversed.

If any additional fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [TELNP333US].

Respectfully submitted,
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VIII. Claims Appendix (37 C.F.R. §41.37(c)(1)(viii))

1. A method of capturing and providing demographic information concerning a consumer of products to a manufacturer of such products during transactions in which the consumer utilizes a bar code reader and the Internet for product inquiries, comprising:

selectively receiving identification information from a uniform product code (UPC) bar code symbol on a product through a transducer at user terminal;

providing an association table in a database between the UPC symbol data and an Internet web site address affiliated with the product manufacturer;

loading the associated web site address to a computing device of the consumer for allowing the consumer to make a product information inquiry to said web site address;

selectively receiving additional consumer queries to allow for further refining the information inquiry; and

transmitting demographic information comprising at least geographic location of the consumer to the product manufacturer by utilizing data packet information that transfers the information inquiry to the manufacturer.

2. The method of claim 1, the bar code symbol reader is provided in the consumer's home.

3. (Cancelled)

4. The method of claim 1, further comprising providing targeted e-mails to the consumer for product announcements by the manufacturer.

5-15. (Cancelled)

16. A method of exchanging data between potential consumers and manufacturers using the Internet comprising:

selectively receiving product identifying indicia through a transducer at user terminal;

determining at least one web site address affiliated with product identifying indicia utilizing a Mapping Service Provider (MSP);

providing product information to the consumer by requesting and loading a web page associated with the at least one web site address;

selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the internet; and

transmitting demographic information comprising geographic origin of the consumer inquiry to the product manufacturer by utilizing information transferred within the web page request.

17. The method of claim 16 wherein the identifying indicia is a uniform product code (UPC).

18. The method of claim 16, wherein the Mapping Service Provider (MSP) employs a mapping function to match identifying indicia to a website address from among a list of identifying indicia and web site address mappings residing in a storage device.

19. The method of claim 16, wherein the web page includes at least one link to a related web page.

20. The method of claim 16, wherein transmitting demographic information about the consumer to the product manufacturer comprises employing cross application of Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer.

21. (Cancelled)

22. A method of providing potential consumers with product information and providing manufacturers with demographic information about consumers utilizing the Internet comprising:
selectively receiving identification information from a uniform product code (UPC) bar code

symbol on a product through a transducer at user terminal;

determining at least one web site address affiliated with the UPC utilizing a mapping function to match a UPC to a website address from among a list of UPCs and web site address mappings residing in a storage device providing product information to the consumer by requesting and loading a web page associated with the at least one product web site address;

selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the storage device; and

transmitting demographic information about the consumer to the product manufacturer *via* employing a Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer when requesting a web page in order to discern at least a geographic origin of a consumer request.

23. (Cancelled)

24-25. (Withdrawn)

26. The method of claim 22, more than one product code corresponds to a single website address.

27. The method of claim 22, further comprising correlating the product code information and product information in a database for receiving selective queries and generating an associated output therefrom.

28. (Cancelled)

29. (Cancelled)

30. (Cancelled)

31. The method of claim 22, the mapping function is provided at a user terminal, such that the matching is done with a database which is periodically updated either manually or automatically on the user terminal.

32. The method of claim 16, the step of determining the at least one web site address, further comprises, transmitting TCP/IP packet information to the Mapping Service Provider (MSP) by a user terminal, the packet information including at least a field containing the UPC code and a field instructing the MSP to launch mapping program.

33. The method of claim 19, the web page further includes timer information so that consumer terminal software may automatically execute the link after a predetermined period of time and generate TCP/IP packet information addressed to the web site.

34. A method of providing potential consumers with product information and providing manufacturers with demographic information about consumers utilizing the Internet comprising:

loading at least one product web site by selectively receiving a product's uniform product code (UPC) through a transducer at a user terminal;

utilizing a mapping function to match the product's UPC to a product information, the mapping function being provided by a product database associated with the at least one product website;

providing product information to the consumer by requesting and loading a web page associated with the at least one product web site;

selectively receiving additional consumer queries to allow for communication of more specialized or refined information from earlier information transmitted to the consumer from the database; and

transmitting demographic information comprising at least a geographic location of the consumer to the product manufacturer *via* employing a Domain Name Service (DNS) to translate Internet Protocol (IP) mapping information transferred by the consumer when requesting a web page.

IX. Evidence Appendix (37 C.F.R. §41.37(c)(1)(ix))

None.

X. Related Proceedings Appendix (37 C.F.R. §41.37(c)(1)(x))

None.